
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual;

Plaintiffs,

vs.

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; JERRY “J.J.”
ULRICH, an individual; SMASH
INNOVATIONS, LLC, a Wyoming limited
liability company; FERACODE, LLC, a Utah
limited liability company; Defendants.

**ORDER GRANTING STIPULATED
MOTION FOR ENTRY OF PROPOSED
THIRD AMENDED SCHEDULING
ORDER**

Case No. 2:19-cv-00105-TC-PMW

District Judge Tena Campbell
Judge Jared C. Bennett

SMASH SOLUTIONS, LLC, a Delaware
limited liability company; and JERRY “J.J.”
ULRICH, an individual;

Counterclaim Plaintiffs,

vs.

SMASH TECHNOLOGY, LLC, a Nevada
limited liability company; and MICHAEL
ALEXANDER, an individual,

Counterclaim Defendants.

Having reviewed Plaintiffs’ Stipulated Motion for Entry of Proposed Third Amended
Scheduling Order and good cause appearing therein, the court GRANTS the motion and
ORDERS as follows:

1.	PRELIMINARY MATTERS	DATE
	<p>Nature of claims and any affirmative defenses:</p> <p><i>Plaintiffs' claims against Defendants are as follows: (1) injunctive relief, (2) breach of contract, (3) breach of the covenant of good faith and fair dealing, (4) unjust enrichment, (5) intentional interference with economic relations, (6) false advertising and false designation of origin, (7) unfair competition, (8) deceptive trade practices, (9) declaratory judgment, (10) equitable accounting, (11) conversion, and (12) misappropriation of trade secrets.</i></p> <p><i>All of the Defendants have asserted applicable defenses and affirmative defenses, and certain of the Defendants have alleged counterclaims against the Plaintiffs, including claims for (1) declaratory judgment, (2) injunctive relief, (3) trademark infringement, (4) false designation of origin, (5) false advertising, (6) false association, (7) unfair competition, and (8) interference.</i></p>	
	DISCOVERY LIMITATIONS	NUMBER
	a. Maximum number of depositions by Plaintiff(s):	<u>15</u>
	b. Maximum number of depositions by Defendant(s):	<u>15</u>
2.	c. Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
	d. Maximum interrogatories by any party to any party:	<u>25</u>
	e. Maximum requests for admission by any party to any party:	<u>25</u>
	f. Maximum requests for production by any party to any party:	<u>25</u>
	g. The parties shall handle discovery of electronically stored information as follows: The parties do not anticipate any unusual circumstances regarding electronically stored information that would necessitate a special provision. All electronically stored information will be produced via file share service, DropBox, flash drive, or other	

	similar facility. The Standard Protective Order adopted by DUCivR 26-2 will apply to the exchange of electronically stored information.	
	h. The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).	
	i. Last day to serve written discovery:	<u>09/30/20</u>
	j. Close of fact discovery:	<u>10/30/20</u>
	k. (optional) Final date for supplementation of disclosures and discovery under Rule 26(e):	<u>10/30/20</u>
3.	RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS	DATE
	Disclosures (subject and identify of experts)	
	a. Plaintiffs and Counterclaim Defendants:	<u>11/13/20</u>
	b. Defendants and Counterclaim Plaintiffs:	<u>12/31/20</u>
	Reports	
	a. Plaintiffs and Counterclaim Defendants:	<u>11/13/20</u>
	b. Defendants and Counterclaim Plaintiffs:	<u>12/31/20</u>
4.	OTHER DEADLINES	DATE
	a. Last day for expert discovery:	<u>02/5/21</u>
	b. Deadline for filing dispositive or potentially dispositive motions:	<u>02/26/21</u>
	c. Deadline for filing partial or complete motions to exclude expert testimony:	<u>03/04/21</u>
5.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
	d. The parties will complete private mediation/arbitration by:	<u>03/04/21</u>

6.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
	a. Rule 26(a)(3) pretrial disclosures		
	Plaintiffs(s):		5/14/2021
	Defendant(s):		5/28/2021
	b. Objections to Rule 26(a)(3) disclosures (if different than 14 days provided in Rule)		
	c. Special Attorney Conference on or before:		6/11/2021
	d. Settlement Conference on or before:		6/11/2021
	e. Final Pretrial Conference	3:00 pm	6/28/2021
	4-Day Jury Trial	8:30 am	7/26/2021

IT IS SO ORDERED.

DATED this 28th day of July, 2020.

BY THE COURT:



Jared C. Bennett
United States Magistrate Judge